IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 797 of 2005
In
Notice of Motion No. 2205 of 2005
In
Suit No. 1823 of 2005

Om Prakash Roongta .. Appellant
V/s.
Purushottam Sharaf & Ors. .. Respondents

Mr. D.J. Khambata, Sr. Counsel i/b. M/s. Thakore Jariwala & Associates for the Appellant
Mr. S.S. Purohit i/b. Mr. V.V. Khemka for the Respondents

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 30.09.2005.

P.C.:-

1. Heard the learned Senior counsel for the Appellant and learned counsel for the Respondents. Perused the impugned order dated 6.9.2005, whereby the learned Single Judge has declined to grant any ad-interim relief. The learned Senior counsel for the Appellant Shri Khambata states that the arbitral proceedings have already commenced. The learned Senior counsel seeks leave to withdraw this Appeal with a liberty to adopt appropriate proceedings before an appropriate forum. Appeal is allowed to be withdrawn and stands dismissed as such, with the aforesaid liberty.

2. Needless to state that in the said proceedings, that will be adopted by the Appellant, the same be disposed of strictly on it’s own merits, un-influenced by the observations made in the impugned order dated 6.9.2005 passed by the learned Single Judge.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)